

EXHIBIT A

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

SHONETT ARNOLD, as Heir of
AARON LEWIS,

Plaintiff,

vs.

COLUMBIA FAYETTEVILLE, LP d/b/a
THE VILLAGES OF EAST LAKE
GARDENSIDE, NEW COLUMBIA
RESIDENTIAL PROPERTY
MANAGEMENT, LLC, PROTECT
SECURITY, LLC, GEORGE CHAVIER
JONES, SABRINA LAVERNE ROBBS,

Defendants.

CIVIL ACTION FILE NO.
22A02187

JURY TRIAL DEMANDED

PLAINTIFF'S FIRST AMENDED WRONGFUL DEATH COMPLAINT FOR DAMAGES

COMES NOW, Shonett Arnold, as heir of Aaron Lewis, Plaintiff in the above-styled action and files this her First Amended Wrongful Death Complaint for Damages. Plaintiff amends her previously filed Wrongful Death Complaint for Damages by adding an Estate Claim to said Complaint which is now Count VI of Plaintiff's Amended Complaint and attaching Exhibit B in support of Count VI of Plaintiff's Amended Complaint. Plaintiff hereby incorporates her previously filed Wrongful Death Complaint for Damages as if fully laid out, and Plaintiff shows the Court the following:

PARTIES, JURISDICTION, AND VENUE

1.

Shonett Arnold is the mother of Aaron Lewis (DOB: March 28, 2001) and as Administrator of Aaron Lewis' estate, she brings this suit in her individual capacity as heir. Aaron Lewis was not married and did not have any children.¹

¹ Plaintiff has filed her Petition for Administration (see Exhibit B attached, Temporary Letters of Administration). Once Plaintiff has received the permanent Letters of Administration, she will amend her Complaint to add Letters.

2.

Columbia Fayetteville, LP d/b/a The Villages of East Lake Gardenside is a residential housing complex located at 711 Fayetteville Road, Atlanta, DeKalb County, Georgia 30316. This Defendant is subject to the jurisdiction of this Court and may be served with a copy of the Summons and Complaint through its registered agent for service of process, James Grauley, 1718 Peachtree Street, N.W., Suite 684, Atlanta, Fulton County, Georgia, 30309.

3.

New Columbia Residential Property Management, LLC is the management company for Columbia Fayetteville, LP d/b/a The Villages of East Lake which exists under the laws of the state of Georgia. Defendant New Columbia Residential Property Management, LLC is subject to the jurisdiction of this Court and may be served with a copy of the Summons and Complaint through its registered agent for service of process, James Grauley, 1718 Peachtree Street, N.W., Suite 684, Atlanta, Fulton County, Georgia, 30309.

4.

Protect Security, LLC was the security company for The Villages of East Lake during the time of the facts and circumstances that gave rise to this lawsuit. Defendant Protect Security, LLC's principal office is located at 659 Auburn Avenue, Suite G-26, Atlanta, Fulton County, Georgia 30312 is subject to the jurisdiction of this Court and may be served with a copy of the Summons and Complaint through its registered agent for service of process, George Jones, 659 Auburn Avenue, Atlanta, Fulton County, Georgia 30312.

5.

George Chavier Jones is the owner of Protect Security, LLC. Mr. Jones can be served at his residential address, which is located at 659 Auburn Avenue, Suite G-26, Atlanta, Fulton County, Georgia 30312.

6.

Sabrina LaVerne Robbs was the property manager for The Villages of East Lake during the period that forms the basis of this lawsuit. Ms. Robbs is subject to the jurisdiction of this Court and may be served with a copy of the Summons and Complaint at her residential address, 1926 Hosea L. Williams Drive, N.E., Atlanta, DeKalb County, Georgia 30316.

7.

Once the Defendants have been served, this Court may exercise jurisdiction over the subject matter of this action and venue is properly laid in this Court because the tort occurred in DeKalb County and at least one of the Defendants, The Villages of East Lake Gardenside, is located in DeKalb County, Georgia.

FACTUAL ALLEGATIONS

8.

On or about August 19, 2021, Aaron Lewis was visiting a friend, Chris Ford, who was at The Villages of East Lake in Apartment, 711 Fayetteville Road SE, Atlanta, DeKalb County, Georgia 30316, where his mother, Demeshial R. Heath, was a resident.

9.

The purpose of the visit was for Lewis to return a folder that his friend needed.

10.

When Lewis arrived on the property, he got out of the car and began to walk to the apartment unit where his friend was located.

11.

As Lewis began to walk to the apartment, he was approached by a group of young men, who upon information and belief, had just committed an assault on another person, who was located on the premises of the apartment.

12.

The group of young men threatened violence to Lewis.

13.

Lewis began to run and he tried to protect himself.

14.

Unfortunately, Lewis was not able to protect himself.

15.

One of the young men in the group began to shoot at Lewis and Lewis was struck and killed by the bullets from the firearm.

16.

An Indictment was filed concerning the death of Lewis on or about February 1, 2022. (See the Indictment, attached hereto as Exhibit A.)

17.

All of Defendants named in this action are jointly responsible for managing the property and providing reasonable security to the residents, invitees, and social guests.

18.

Jointly, the Defendants failed to exercise reasonable care to protect social guests such as Aaron Lewis from known risk of violent activity.

19.

As a direct and proximate result of the Defendants' negligent, wanton and reckless acts through their employees, agents and apparent agents, Aaron Lewis suffered bodily injury and ultimate death.

COUNT I

NEGLIGENCE AGAINST ALL DEFENDANTS

20.

Plaintiff adopts and incorporates by reference paragraphs 1 through 19 of Plaintiff's First Amended Wrongful Death Complaint for Damages as if said paragraphs are set forth fully herein with respect to Count I of Plaintiff's First Amended Wrongful Death Complaint for Damages.

21.

At all relevant times, the Defendants, by and through their employees, agents and/or apparent agents, owed a duty to their invitees and tenants to exercise reasonable and ordinary care to keep and maintain their premises in a condition reasonably safe for use by their invitees and tenants.

22.

In particular, the Defendants had a duty to take such reasonable precautions as were reasonably necessary to protect their tenants, including Lewis, from third-party criminal attacks that were reasonably foreseeable.

23.

The Defendants, through their employees, agents, and/or apparent agents, breached their duty to exercise reasonable care for the safety and protection of their invitees and tenants, including Lewis, and acted in a negligent, wanton or reckless manner including, but not limited to, the following ways:

- (a) failing to provide adequate security for their invitees and tenants, including Lewis;
- (b) failing to warn their invitees and tenants, including Lewis, of the nature and character of the surrounding area when they knew, or in the exercise of reasonable care, should have known that numerous criminal incidents of a similar nature of the one herein had occurred on the Defendants' premises prior to Aaron Lewis being robbed and killed;
- (c) failing to warn, protect, guard, and secure the safety of their invitees and tenants, including Lewis, when the Defendants knew or should have known that the subject premises had a history of similar criminal acts being committed in the area, thereby creating a dangerous condition to those individuals on the premises;
- (d) failing to police, patrol, guard, deter, and otherwise provide adequate protection for their invitees and tenants at the subject premises, when the Defendants knew or should have known of foreseeable criminal acts;
- (e) failing to hire and/or retain any private security personnel to patrol and/or monitor the subject premises, thereby protecting their invitees and tenants, including Lewis;
- (f) failing to have a sufficient number of security guards at and around the subject premises to protect their invitees and tenants, including Lewis;

- (g) failing to hire and/or retain competent security guards to protect their invitees and tenants, including Lewis;
- (h) failing to properly train security guards to be reasonably skillful, competent, and/or qualified to exercise appropriate and proper security measures so that they could protect their invitees and tenants, including Lewis;
- (i) failing to have surveillance cameras in such locations throughout the subject premises, including but not limited to the exterior of the building and parking lot area;
- (j) failing to have an adequate number of surveillance cameras at the subject premises and surrounding areas, including but not limited to the areas of the premises where the incident occurred;
- (k) failing to have and/or maintain surveillance cameras in working condition on the subject premises such that every camera was able to monitor and record activity in its line of view;
- (l) failing to implement adequate security policies, security measures, and security procedures necessary to protect Lewis and other invitees and tenants at the subject premises;
- (m) failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- (n) failing to adequately provide an overall security plan for the subject premises that would meet the known industry standards and customs for safety in the community;
- (o) failing to provide a reasonably safe structural layout of the subject property upon purchasing said property as a premises; and

(p) the preceding paragraphs a. through p. individually and/or as a whole, represent strict deviations from the existing standards of care with regard to security as recognized by similar premises in the local community and as codified by section 51-3-1, Georgia Code.

24.

The Defendants, through their employees, agents and/or apparent agents, created and/or allowed to be created said dangerous conditions as stated above on the subject premises and failed to take the necessary steps to ensure the safety of their invitees and tenants, including Plaintiff.

25.

As a direct and proximate result of Defendants' negligence, wanton and reckless acts through their employees, agents, and/or apparent agents, Aaron Lewis suffered bodily injuries and death, which resulted in medical bills and physical and mental pain, in an amount to be shown at trial but in excess of \$50,000.00.

COUNT II

WRONGFUL DEATH AGAINST ALL DEFENDANTS

26.

Plaintiff adopts and incorporates by reference paragraphs 1 through 25 of Plaintiff's First Amended Wrongful Death Complaint for Damages as if said paragraphs are set forth fully herein with respect to Count II of Plaintiff's First Amended Wrongful Death Complaint for Damages.

27.

The negligent conduct of all Defendants as set forth in this complaint for damages, actually and proximately caused the wrongful death of Plaintiff's decedent, Aaron Lewis on or about August 19, 2021.

28.

The Defendants caused the death of Lewis by their joint failure to provide reasonable and adequate security measures to The Villages of Eastlake Gardenside, despite the actual knowledge they had of the dangerous conditions (i.e., criminal activity).

COUNT III

PUNITIVE DAMAGES AGAINST ALL DEFENDANTS

29.

Plaintiff adopts and incorporates by reference paragraphs 1 through 28 of Plaintiff's First Amended Wrongful Death Complaint for Damages as if said paragraphs are set forth fully herein with respect to Count III of Plaintiff's First Amended Wrongful Death Complaint for Damages.

30.

The acts and omissions of the Defendants, by and through their agents and/or employees, as set forth above, constitute willful and wanton misconduct, which demonstrates a total lack of care and a conscious indifference to the consequences of such misconduct.

31.

Based upon Defendants' willful and wanton misconduct, Plaintiff is entitled to an award of punitive damages to punish, penalize, and deter the Defendants from such conduct in the future in an amount to be determined by the enlightened conscience of a jury.

COUNT IV

IMPUTED LIABILITY

32.

Plaintiff adopts and incorporates by reference paragraphs 1 through 31 of Plaintiff's First Amended Wrongful Death Complaint for Damages as if said paragraphs are set forth fully herein with respect to Count IV of Plaintiff's First Amended Wrongful Death Complaint for Damages.

33.

Plaintiff's damages were the direct result of the acts and omissions of the agents, servants and employees of the Defendants' business entities, conducted within the course and scope of each such agent's, servant's and/or employee's employment with the Defendants' business entities.

34.

The corporate Defendants own, operate, manage and directly control The Villages of East Lake Gardenside and are liable not only for their own misconduct and negligent actions, they are also vicariously liable for the misconduct, negligence and other tortious conduct of their employees, staff and agents.

35.

The corporate Defendants are therefore vicariously liable for the individual employee's and agent's acts and omissions, and for each individual officer, director, employee, agent and servant's negligent acts and omissions, and the resultant damages of Plaintiff by application of the doctrine of *respondeat superior* and vicarious liability.

COUNT V

ATTORNEY'S FEES AGAINST ALL DEFENDANTS

36.

Plaintiff adopts and incorporates by reference paragraphs 1 through 35 of Plaintiff's First Amended Wrongful Death Complaint for Damages as if said paragraphs are set forth fully herein with respect to Count V of Plaintiff's First Amended Wrongful Death Complaint for Damages.

37.

The negligent conduct of all Defendants as set forth in Plaintiff's First Amended Wrongful Death Complaint for Damages actually and proximately caused the wrongful death of Plaintiff's decedent, Aaron Lewis on August 19, 2021.

38.

Consequently, Plaintiff brings this action pursuant to the provisions of O.C.G.A. § 51-4-2 and other applicable laws of this state to recover the full value of the life of Aaron Lewis, without any deductions for necessary or other personal expenses that would have been incurred by the decedent had he lived.

39.

There is no bona fide dispute in this case that Defendants breached the applicable standard of care and thus, Defendants have caused Plaintiff unnecessary trouble and expense in forcing her to litigate the issue of whether Defendants are responsible for the harm caused to Aaron Lewis on Defendants' premises. Thus, Plaintiff is entitled to recover reasonable attorney's fees and expenses of litigation under O.C.G.A. § 13-6-11 against all Defendants.

COUNT VI

ESTATE CLAIM AGAINST ALL DEFENDANTS

40.

Plaintiff adopts and incorporates by reference paragraphs 1 through 39 of Plaintiff's First Amended Wrongful Death Complaint for Damages as if said paragraphs are set forth fully herein with respect to Count V of Plaintiff's First Amended Wrongful Death Complaint for Damages.

41.

Plaintiff brings this action pursuant to the provisions of O.C.G.A. § 53-2-1.

42.

As a result of Defendants' negligence, Plaintiff's son, Aaron Lewis, was fatally injured.

43.

Aaron Lewis endured conscious pain and suffering after he was shot and he later died from his injuries at Atlanta Medical Center North.

44.

As a result of Defendants' negligence, Plaintiff, as Heir of Aaron Lewis and as Administrator of the Estate of Aaron Lewis (See Exhibit B attached, Petition for Temporary Letters of Administration), is entitled to recover all damages allowable under by law, including but not limited to the full value of the life of Aaron Lewis, lost wages, pain and suffering, funeral bills, and any other items of special and general damages allowed by law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following:

- (a) that a copy of the Summons and Complaint be served upon the Defendants;
- (b) that they have a trial by jury as to each and every appropriate issue;
- (c) a judgment is obtained against the Defendants;
- (d) an award of compensatory damages to be determined by a jury;
- (e) an award of punitive damages to be determined by a jury;
- (f) that Plaintiff be awarded attorney's fees, and the costs of this action, as authorized by O.C.G.A. § 13-6-11;
- (g) special damages be awarded to Plaintiff in an amount to be determined later;
- (h) that all costs of this action be cast against the Defendants; and
- (i) any and all such other and further relief as the Court may deem just and appropriate.

This 22nd day of November, 2022.

260 Peachtree Street, NW
Suite 1001
Atlanta, GA 30303
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SEAY FELTON, LLC

/s/ Alexandria F. Jones
Alexandria F. Jones
Georgia Bar No. 301492
Eugene Felton, Jr.
Georgia Bar No. 257840
Quinton S. Seay
Georgia Bar No. 634025

STATE COURT OF
DEKALB COUNTY, GA.
11/22/2022 2:13 PM
E-FILED
BY: Mundy Jackson

EXHIBIT A

FILED 02/01/2022 3:56:49 PM Clerk of Superior Court DeKalb County

State Witness – Inv. C. Averhart

PID: 437247

No **22CR1221-9**
DEKALB COUNTY SUPERIOR COURT

JANUARY TERM 2022

THE STATE OF GEORGIA

V.

**TAVAROUS GABRIEL HODGES Ct 1, 2, 3
& 4**
DA #: D0287317

1 **MALICE MURDER**
2 **FELONY MURDER**
3 **AGGRAVATED ASSAULT**
4 **POSSESSION OF A FIREARM DURING THE
COMMISSION OF A FELONY**

True BILL

02/01/2022 2:07:13 PM



Grand Jury Foreperson

SHERRY BOSTON, District Attorney

Hodges, Tavarous Gabriel the Defendant, waives copy of the Indictment, list
of witnesses, full panel, formal arraignment, and
pleads

This the _____ of _____ 20____.

District Attorney

Defendant's Attorney

Defendant

STATE OF GEORGIA, COUNTY OF DEKALB

BILL OF INDICTMENT

IN THE SUPERIOR COURT OF SAID COUNTY,

The Grand Jurors (**GROUP A**) selected, chosen and sworn for the County of DeKalb to wit:

- | | |
|--------------------------------------|-------------------------------|
| 1. Sean Wilson | |
| 2. Harriet Ruskin | 15. Catherine Rouse |
| 3. Maerniet Weldeabizgi | 16. Mary Platt |
| 4. Maan Jokhadar | 17. Kevin Moore |
| 5. Maya Payne | 18. Michael Bauer |
| 6. Meredith Rainnie | 19. Michael Bibisi |
| 7. Michelle Cullen | 20. Ryan Davis, Jr. |
| 8. Debra Cobb | 21. Joan Schork |
| 9. Samuel Pittman | 22. Robert Pittman |
| 10. Douglas Edwards | 23. Karen Roberts-Lee |
| 11. John Glenn | 24. Joseph Gensler |
| 12. Candace Kissi Godfrey | 25. Istvan Kolosi |
| 13. Thomas Coll | 26. Rachael Koplin |
| 14. Matthew Jenrette | |

COUNT 1

MALICE MURDER

The GRAND JURORS aforesaid, in the name of and on behalf of the citizens of the State of Georgia, charge and accuse

Tavarous Gabriel Hodges,

with the offense of **MALICE MURDER** in violation of O.C.G.A 16-5-1(a) for the said accused person, in the County of DeKalb and State of Georgia, **on or about August 19, 2021,**

did, with malice aforethought, cause the death of Aaron Jamal Lewis, a human being, by shooting said person with a firearm,

contrary to the laws of said State, the good order, peace and dignity thereof.

DEKALB SUPERIOR COURT

SHERRY BOSTON, District Attorney

COUNT 2

FELONY MURDER

The GRAND JURORS aforesaid, in the name of and on behalf of the citizens of the State of Georgia, charge and accuse

Tavarous Gabriel Hodges,

with the offense of **FELONY MURDER** in violation of O.C.G.A 16-5-1(c) for the said accused person, in the County of DeKalb and State of Georgia, **on or about August 19, 2021**,

while in the commission of the offense of Aggravated Assault, a felony, did cause the death of Aaron Jamal Lewis, a human being, by shooting said person with a firearm,

contrary to the laws of said State, the good order, peace and dignity thereof.

DEKALB SUPERIOR COURT

SHERRY BOSTON, District Attorney

COUNT 3

AGGRAVATED ASSAULT

The GRAND JURORS aforesaid, in the name of and on behalf of the citizens of the State of Georgia, charge and accuse

Tavarous Gabriel Hodges,

with the offense of **AGGRAVATED ASSAULT** in violation of O.C.G.A 16-5-21(a) for the said accused person, in the County of DeKalb and State of Georgia, **on or about August 19, 2021**,

did make an assault upon the person of Aaron Jamal Lewis with a firearm, a deadly weapon, by shooting said person with a firearm

contrary to the laws of said State, the good order, peace and dignity thereof.

DEKALB SUPERIOR COURT

SHERRY BOSTON, District Attorney

COUNT 4

POSSESSION OF A FIREARM DURING THE COMMISSION OF A FELONY

The GRAND JURORS aforesaid, in the name of and on behalf of the citizens of the State of Georgia, charge and accuse

Tavarous Gabriel Hodges,

with the offense of **POSSESSION OF A FIREARM DURING THE COMMISSION OF A FELONY** in violation of O.C.G.A 16-11-106(b) for the said accused person, in the County of DeKalb and State of Georgia, **on or about August 19, 2021,**

did unlawfully have on and within arm's reach of his person a firearm during the commission of the crime of Malice Murder, Felony Murder and Aggravated Assault, felonies, crimes involving the person of Aaron Jamal Lewis,

contrary to the laws of said State, the good order, peace and dignity thereof.

DEKALB SUPERIOR COURT

SHERRY BOSTON, District Attorney

EXHIBIT B

FILED

11/15/2022 10:21:16 AM
DEKALB PROBATE COURTIN THE PROBATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

AARON JAMAL LEWIS)

DECEASED)

ESTATE NO. 2022-2402

PETITION FOR TEMPORARY LETTERS OF ADMINISTRATION

The petition of SHONETT ARNOLD*[Full name(s) of petitioner(s)] First Middle Last*whose physical address(es) is/are 3540 OAK HARBOR BLVD., APT. 426, SLIDELL, ST. TAMMANY, LA 70461,
*Street City County State Zip Code*and mailing address(es) is/are 3540 OAK HARBOR BLVD., APT. 426, SLIDELL, ST. TAMMANY, LA 70461,
Street City County State Zip Code

shows to the Court the following:

1.

AARON JAMAL LEWIS*[Full name of decedent] First Middle Last*whose place of domicile was 211 HILLSIDE VILLAGE DRIVE, SE, ATLANTA, DEKALB, GA 30317,
*Street City County State Zip Code*departed this life on AUGUST 19, 2021.

2.

*[Initial one]*51x (a) The decedent died intestate *[without making a valid last will and testament]*.

(b) There is a contested last will and testament of the decedent. The alleged will is dated _____.

3.

Listed below are all of the decedent's heirs at law, with age or majority status, address, and relationship to the decedent set opposite the name of each:

Name	Age (or over 18)	Address	Relationship
SHONETT ARNOLD	OVER 18	3540 OAK HARBOR BLVD., APT. 426, SLIDELL, LA 70461	MOTHER
ALVIN LEWIS	OVER 18	2803 SOUTH ROBERTSON STREET, NEW ORLEANS, LA 70115	FATHER

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

SHONETT ARNOLD, as Heir of
AARON LEWIS,

Plaintiff,

vs.

COLUMBIA FAYETTEVILLE, LP d/b/a
THE VILLAGES OF EAST LAKE
GARDENSIDE, NEW COLUMBIA
RESIDENTIAL PROPERTY
MANAGEMENT, LLC, PROTECT
SECURITY, LLC, GEORGE CHAVIER
JONES, SABRINA LAVERNE ROBBS,

Defendants.

CIVIL ACTION FILE NO.
22A02187

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this document via email and by Odyssey File and Serve, as prescribed by the court, which will deliver electronic notification of same to the following:

Geoffrey F. Calderaro
C. Gregory Ragsdale
QUINTAIROS, PRIETO, WOOD & BOYER, P.A.
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This 22nd day of November, 2022.

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SEAY FELTON, LLC

/s/ Alexandria F. Jones
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Georgia Bar No. 634025